

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAURICE THOMPSON ET AL., on behalf of  
themselves and all others similarly situated,

No. C 79-01630 WHA

Plaintiffs,

v.

JAMES E. TILTON, Acting Secretary,  
California Department of Corrections and  
Rehabilitation, and EDDIE YLST, Acting  
Warden, San Quentin State Prison,

**ORDER DENYING MOTIONS TO  
INTERVENE AND RELATED  
REQUESTS**

Defendants.

Death-Row inmates Jack Wayne Friend, Andre S. Alexander, Ricardo Roldan, Keith Allen Lewis Sr. and Paul Gordon Smith Jr., have filed separate documents with the Court.

Alexander, Roldan, Lewis and Smith move to intervene as plaintiffs under Federal Rule of Civil Procedure 24(a). To intervene as a plaintiff under FRCP 24(a), an applicant must prove that the other plaintiffs and plaintiff-intervenors might not adequately represent the applicant's interests. FRCP 24(a)(2); *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 (1972). None of the applicants provide any reason to believe that intervenor Freddie Fuiava might not adequately represent their interests. Intervenor has raised similar issues about California prison regulations' conflict with the consent decree. The motions to intervene therefore are **DENIED**.

Smith, Roldan and Lewis ask for an order to San Quentin State Prison to apply the gang-validation and disciplinary regulations of Title 15 of the California Code of Regulations to the condemned inmates at San Quentin. These prisoners are not parties to the instant action. Their

1 request for injunctive relief therefore is **DENIED**. Smith, Roldan and Lewis also seek judicial  
2 notice of two civil actions. The Court already has taken notice of those two actions. The  
3 request is therefore **DENIED**. Lewis, Alexander and Friend seek appointment of counsel. Their  
4 requests are **DENIED** because they are not parties to the instant action.

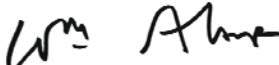
5 Lewis and Alexander noticed their motions for hearing on June 5, 2006. No hearing will  
6 be held because neither prisoner has an attorney and neither movant will be able to attend the  
7 hearing to represent himself *in propria persona*, because of his incarceration.

8 As noted in previous orders, the Court cannot allow all Death Row inmates to intervene  
9 separately. All motions to intervene therefore will be considered carefully, giving motions  
10 made pro se a liberal construction, and granted only with great care. Potential intervenors  
11 should consider carefully whether intervenor or plaintiffs adequately represent their interests.

12 **THE CLERK SHALL SERVE THIS ORDER ON APPLICANTS AT THE ADDRESSES ON**  
13 **THEIR MOTIONS AND OTHER PAPERS.**

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16 **IT IS SO ORDERED.**

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18 Dated: May 25, 2006

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21 WILLIAM ALSUP  
22 UNITED STATES DISTRICT JUDGE  
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